

PCT**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**
(PCT Article 36 and Rule 70)10/52 U940
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Applicant's or agent's file reference PCTP167001A	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 02/00465	International filing date (day/month/year) 12.07.2002	Priority date (day/month/year) 12.07.2002
International Patent Classification (IPC) or both national classification and IPC B65G47/14		
Applicant CFS WEERT B.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16.01.2004	Date of completion of this report 20.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Damiani, A Telephone No. +49 89 2399-2535 

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-8 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
- (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 12
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 12 are so unclear that no meaningful opinion could be formed (*specify*):
- see separate sheet**
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
 - ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

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☐ complied with.

☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

☒ all parts.

☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7, 9-11
	No: Claims	1, 8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

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Section III:

The subject-matter of claim 12 is defined relying on references to the drawings (Rule 6.2 (a) PCT).

Section IV:

The present set of claims includes two apparatus claims:

- claim 1 relates to a device for supplying and orienting single articles having a special form.
- claim 8 relates to a vertical form-fill-seal machine.

All special features of claim 1 relate to specific structural characteristics of said device. The subject-matter of claim 8 does not include any of said specific structural characteristics of the supplier. Claims 1 and 8 don't share any "special technical feature" nor any "corresponding special technical feature" within the meaning of Rule 13.2 PCT. Therefore these two claims are not so linked as to form a single inventive concept (Rule 13.1 PCT).

Independently from the lack of novelty of claim 1 (see Section V, below) it can be concluded that the present application comprises two inventions:

Invention 1:	claims 1-7, 11	Device for supplying and orienting single articles
Invention 2:	claims 8-10	Vertical form-fill-seal machine

Section V:

1). Relevant documents

Reference is made to the following documents:

D1: US-A-4 024 058

D2: EP-A-0 273 570

2). Claim 1

The present application does not meet all the criteria listed in Article 33 (1) PCT, because the subject-matter of independent claim 1 is not new within the meaning of Article 33 (2) PCT.

2.1). Document D1 discloses a device for supplying single articles (s. [21]) provided with a head and stick, such as lollipops, to be packed (s. description: column 1, lines 11-12) in bags, comprising

- a supply station (s. [22]) for the articles in a disorderly flow,
- a discharge station (s. [19] or [3]) for discharge of the articles in an orderly flow for further processing or treatment in the packaging process (s. description: column 1, lines 7-11),
- a distribution disc (s. [8]) connecting to the supply station and the discharge station and having a series of holes (s. [9]) at its circumference for accommodation of the heads of the articles,
- means for urging (s. [14]+[15]+[16]) the heads of the articles in the holes,
- means for keeping down (s. [17]+[18] and description: column 2, lines 49-51) the sticks of the articles the heads of which have been accommodated in the holes, during the movement of the distribution disc from the supply station to the discharge station,
- the holes being vertically continuous (s. Fig.3) and
- the means for keeping down being absent at the location of the discharge station (s. [17]+[18] and description: column 2, lines 23-25),
- the discharge station (s. [3]) being placed vertically underneath the distribution disc (s. Fig.3).

Document D1 discloses therefore all the features of claim 1 (Article 33 (2) PCT).

3). Dependent claims 2-7

The combination of the known supplying device with a known vertical FFS machine is obvious to the person skilled in the art. Therefore claims 2-7, as presently formulated, show additional features, which, in combination with the features of the claims to which they refer, lead to subject-matters that are well-known in the art. Therefore they are not inventive within the meaning of Article 33 (3) PCT.

4). Claim 8

Like hundreds of other documents of the IPC7 Class B65B9/10, document D2 (s. abstract and figures) discloses a vertical form-fill-seal machine showing all the features of claim 8.

Claim 8 is therefore certainly not new (Article 33 (2) PCT).

5). Dependent claims 9-11

The combination of the known supplying device with a known vertical FFS machine is obvious to the person skilled in the art. Therefore claims 9-11, as presently formulated, show additional features, which, in combination with the features of the claims to which

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they refer, lead to subject-matters that are well-known in the art. Therefore they are not inventive within the meaning of Article 33 (3) PCT.

The subject-matter of claims 1-11 is industrially applicable (Article 33 (4) PCT).

Further remarks:

- 1). Contrary to the requirements of Rule 6.2(b) PCT, the features of the claims are not provided with reference signs placed in parentheses.
- 2). Contrary to the requirements of Rule 6.3 (b) PCT, claims 1 and 8 are not drafted in the two-part form.
- 3). Claim 1 is not clear due to the expression "vertically continuous" holes (Article 6 PCT).